

Express Mail No.: EL 501 640 202 US

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Wrigley et al.

U.S. Application No.: 09/284,806

Filed: April 21, 1999

For: Cytokine Production Inhibitors

International Patent Application No:  
PCT/GB97/02907

Attorney Docket No.: 9993-018  
(formerly 117-284)

PETITION FOR EXTENSION OF TIME  
TO FILE A RENEWED PETITION UNDER 37 CFR § 1.137(b)

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

RECEIVED  
05 JUL 2001  
Legal Staff  
International Division

It is respectfully requested that the time for response to the Decision On Petition

Under C.F.R. § 1.181, 1.137(a) and 1.137(b) dated December 13, 2000, be extended for a period of 4 month(s) from February 13, 2001 to and including June 13, 2001.

The fee for this extension is estimated to be \$1390.00. Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.

Respectfully submitted,

Date June 7, 2001

Laura A. Coruzzi

By: 40,258  
30.742

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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|-------------------------------------|---|--|
| Application of: Wrigley et al.      |   | International Patent Application No:<br>PCT/GB97/02907 |
| U.S. Application No.: 09/284,806    | : |  |
| Filed: April 21, 1999               | : | Attorney Docket No.: 9993-018<br>(formerly 117-284)    |
| For: Cytokine Production Inhibitors | : |  |

**RENEWED PETITION UNDER 37 C.F.R. § 1.137(b)**

Attention: PCT LEGAL OFFICE

Assistant Commissioner for Patents  
Box PCT  
Washington, DC 20231

Sir:

This is in response to the Decision On Petition Under 37 C.F.R. § 1.181, 1.137(a) and 1.137(b) ("Decision") mailed December 13, 2000, in connection with the above-captioned application. Applicants submit concurrently herewith (a) a Petition For Extension Of Time Under 37 C.F.R. § 1.136(a) for a period of 4 months from February 13, 2001 up to and including June 13, 2001; (b) an original Declaration For Non-Provisional Patent Application executed by all the inventors (in five counterparts).

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**REMARKS**

In the Decision, the Examiner indicated that the petition to withdraw the holding of abandonment, the petition under 37 C.F.R. § 1.137(a) and the petition under 37 C.F.R. § 1.137(b) filed by the applicants on June 5, 2000, (the "Petitions") are dismissed without prejudice.

With respect to the petition under 37 C.F.R. § 1.137(b), the Examiner indicated that it would be inappropriate to grant the petition because the requirement of 37 C.F.R. § 1.137(b)(1) was not satisfied.

In particular, the Examiner stated that the Petitions were accompanied by a declaration of the inventors that is not acceptable because at least one sheet of the declaration is missing. While not conceding that the declaration previously submitted with the Petitions is defective, the applicants submit concurrently herewith an original Declaration For Non-Provisional Patent Application freshly executed by the inventors for the above-identified application. In the present case, the executed Declaration For Non-Provisional Patent Application is the required reply under 37 C.F.R. § 1.137(b)(1). Accordingly, by submission of the executed Declaration For Non-Provisional Patent Application, the applicants submit that the requirement of 37 C.F.R. § 1.137(b)(1) is met.

With respect to the requirement of 37 C.F.R. § 1.137(b)(3), the Examiner indicated that the statement “the abandonment resulted from non-receipt of an office communication, and thus was unavoidable or unintentional” is construed as a statement that “the entire delay in filing the *required* reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional.” The applicants acknowledge that this interpretation of the statement is correct. Thus, as stated in the Decision, the statement in the Petitions as filed is accepted in satisfaction of 37 C.F.R. § 1.137(b)(3).

Regarding 37 C.F.R. § 1.137(b)(4), as stated in the Decision, no terminal disclaimer is required.

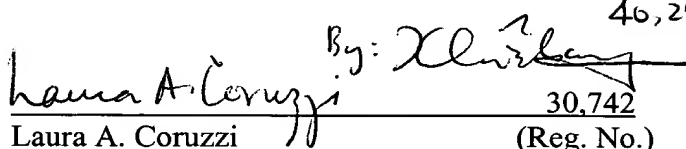
The applicants hereby renew the petition to revive the unintentionally abandoned application under 37 C.F.R. § 1.137(b). Pursuant to 37 C.F.R. § 1.137(b)(2) and §

1.17(m), please charge the \$1,240.00 petition fee to Pennie & Edmonds LLP Deposit  
Account No. 16-1150.

If any additional fees are required in connection with the filing of this  
Renewed Petition, please charge the required fee to the Deposit Account No. 16-1150. A  
duplicate copy of this paper is provided.

Respectfully submitted,

Date: June 7, 2001

By:  <sup>40,258</sup>  
Laura A. Coruzzi <sub>30,742</sub>  
(Reg. No.)

**PENNIE & EDMONDS LLP**  
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Enclosure